

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Excluded Employees' Bill of Rights (Legislative Changes)	REFERENCE NUMBER: 2005-003
DATE ISSUED: 01-21-05	SUPERSEDES:

This memorandum should be forwarded to:

**Employee Relations Officers
Personnel Officers**

FROM: Department of Personnel Administration
Labor Relations Division

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Effective January 1, 2005, two sections of the Bill of Rights for State Excluded Employees (Government Code sections 3525 et. seq.) were revised by Assembly Bill 1875 (2004 – Maldonado).

Generally, the changes made (1) reaffirm the State's authority to decide supervisory matters and make changes in services, policies, and terms and conditions that affect supervisory employees and (2) require the State to provide reasonable advance notice to supervisory employee organizations of such changes and to afford the organizations with the opportunity to meet and confer prior to the State implementing changes within the scope of representation for supervisors.

Specifically, the revised statute:

1. Specifies that the reasonable notice to supervisory employee organizations may be verbal, electronic (e-mail), or written. Neither the content of the notice nor how far in advance the notice must be provided is specified in the statute. The urgency and necessity of the change should dictate the content and period of notice.
2. Provides that an opportunity to meet and confer will be afforded supervisory organizations, wherein a requesting organization may make its presentation and be allowed to discuss alternative means of achieving the employer's objectives. The statute does not require ongoing meet and confer sessions that would unreasonably delay implementation of the proposed changes.
3. Reinforces that the final determination of policy or course of action is the sole responsibility of the State.

Attachment A is the revised text of Government Code sections 3526 and 3533. The complete text of the Bill of Rights for State Excluded Employees may be found at the Legislative website at www.leginfo.ca.gov .

Attachment B is a listing of the Supervisory and Excluded Organizations that are registered for Fiscal Year 2004 – 05. Questions regarding which organizations to notice may be directed to Frank Marr (see contact information above).

/s/ Dave Gilb

Dave Gilb
Chief of Labor Relations